

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MICHAL DAWIDOWICZ,

Plaintiff,

MEMORANDUM AND ORDER

-against-

15-cv-7380 (FB) (CLP)

JAMES VALOUCH, JACEK
SZEWCZYK, BLACK SQUARE
BUILDERS CORP., and CHELSEA
BUILDER GROUP LLC,

Defendants.

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Appearances:

For Plaintiff:
ROBERT WISNIEWSKI
Robert Wisniewski & Associates P.C.
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New York, NY 10007

For Defendants:
MARC BRIAN ZIMMERMAN
KATHRYN TONDEL LUNDY
REGINA ELAINE FAUL
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BLOCK, Senior District Judge:

On November 8, 2016, Magistrate Judge Cheryl L. Pollak issued a Report and Recommendation (“R&R”) recommending that plaintiff’s motion to voluntarily dismiss his case without prejudice be granted. No objections have been filed to date, and defendants’ opportunity to object has passed.

Where there are no objections, the Court may adopt the R&R without de novo review. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the

consequences, failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision."). The Court must conduct de novo review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000). No such error appears here. Accordingly, the Court adopts the R&R without de novo review and grants plaintiff's motion to voluntarily dismiss his case without prejudice.

SO ORDERED.

/s/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
January 4, 2016